

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 159.5, the Department of Agriculture and Land Stewardship hereby amends Chapter 1, "Administration," Iowa Administrative Code.

Chapter 1 establishes the administrative structure of the Department. These amendments reflect the current structure of the Department and align Bureaus with their appropriate Division.

Pursuant to Iowa Code section 17A.4(2), the Department finds that notice and public participation are unnecessary because these amendments update outdated administrative rules to reflect the Department's existing structure.

Pursuant to Iowa Code section 17A.5(2)"b"(2), the Department further finds that the normal effective date of these amendments, 35 days after publication, should be waived and these amendments be made effective February 5, 2009. These amendments provide a benefit to the public by providing accurate information about the Department.

These amendments are intended to implement Iowa Code sections 17A.3 and 17A.4 and Iowa Code chapter 159.

These amendments became effective February 5, 2009.

The following amendments are adopted.

ITEM 1. Amend subrule 1.1(4) as follows:

1.1(4) The department is organized into three branches known as the consumer protection and ~~regulatory affairs~~ industry services division, the ~~market development and administrative services~~ administration division, and the soil conservation division. ~~A division director heads each division. The deputy secretary of agriculture heads the administration division, and division directors head the consumer protection and industry services division and the soil conservation division.~~ The directors assist the secretary in the implementation of the secretary's policies within the various bureaus, laboratories, and units assigned to that division. The directors shall also assist the secretary in supervising the work of the various bureaus and units assigned to that division, provide the expertise of their division to other divisions where appropriate, and perform other duties as assigned by the secretary.

ITEM 2. Rescind and reserve subrule **1.1(5)**.

ITEM 3. Amend rule 21—1.2(159), introductory paragraph, as follows:

21—1.2(159) Consumer protection and ~~regulatory affairs~~ industry services division. In addition to the duties outlined in subrule 1.1(4), the director of the consumer protection and ~~regulatory affairs~~ industry services division advises the secretary of activities and any impending or potential problems that have come to the attention of the division's personnel. ~~The director shall serve as a liaison between the department and the attorney general's office and county attorney offices.~~ The bureaus and laboratories under the supervision of the consumer protection and ~~regulatory affairs~~ industry services division are as follows:

ITEM 4. Amend subrule 1.2(7) as follows:

1.2(7) *Weights and measures bureau.* This bureau inspects and licenses for commercial use all weights and measures or weighing and measuring devices; conducts petroleum products sampling and testing, tests and certifies antifreeze, and conducts random package and labeling inspections of products offered for sale; registers and licenses all service agencies and persons who service or repair commercial weighing and measuring devices; approves or rejects all blueprints on new scale installations; and approves or rejects bonds for scale installation. The bureau maintains the state metrology laboratory and, following the rules and regulations of the National Institute of Standards and Technology and using the weights and measures standards that are traceable to the National Institute of Standards and Technology, adjusts, certifies and seals weights and measures used by state inspectors, commercial repairers and private industry. The bureau deals with renewable fuels and coproducts by facilitating

increased production and consumption of products made from Iowa's agricultural commodities and by encouraging production and use of renewable fuels and coproducts.

ITEM 5. Adopt the following **new** subrules 1.2(12) to 1.2(16):

1.2(12) *Agricultural diversification and market development bureau.* This bureau processes applications for organic certification and works closely with the Iowa organic standards board to ensure approval of those applications that meet state and federal regulations. This bureau provides marketing opportunities for diversified agricultural products throughout the state.

1.2(13) *Agricultural marketing bureau.* This bureau works with the various boards of Iowa agricultural organizations to assist and support their respective marketing efforts. The bureau also seeks new opportunities to assist Iowa's private firms to find markets for their products. Additionally, the bureau provides Iowa livestock and grain producers with essential market information on a timely basis through the market news reporting service, a joint effort with the United States Department of Agriculture.

1.2(14) *Audit bureau.* This bureau analyzes reports filed by feed and fertilizer companies for fees paid into the general fund of the state. The bureau also makes audits to check for compliance with check-off law for the commodity promotion boards.

1.2(15) *Horse and dog bureau.* This bureau promotes the Iowa horse and dog breeding industry by registering qualified Iowa-foaled horses and Iowa-whelped dogs and working in cooperation with the racing industry. The bureau administers the payment of breeder awards to the breeders of qualified winning horses and dogs.

1.2(16) *Horticulture and farmers' market bureau.* This bureau includes the following units:

a. Horticulture. This unit lends direction, continuity, leadership, and administrative services and guidance to the Iowa horticulture industry. The horticulture unit works with the Iowa State Horticultural Society to promote and encourage horticulture with the individual affiliate groups and the Iowa State Horticultural Society as a whole. The unit identifies and helps determine the market potential for horticultural crops such as ornamental plants, fruits and vegetables, Christmas trees, herbs, mushrooms, grapes, nuts, and turf products. The horticulture unit monitors the conditions of the industry and identifies, collects, and distributes pertinent information concerning horticulture and related interests. The unit acts as a resource for horticultural producers and provides referrals for assistance in marketing, production, financial aid, disaster programs, and regulatory issues. The horticulture unit acts as a liaison between industry organizations, other state and federal agencies, universities, noncommercial horticultural groups, and the agricultural community.

b. Farmers' markets. This unit assists in the organization and improvement of farmers' markets throughout the state. The unit collects and distributes information pertinent to the markets and provides market managers assistance in vendor recruitment, market promotion, and regulatory issues.

c. Farmers' market nutrition programs. This unit administers programs designed to provide a supplemental source of fresh, locally grown fruits and vegetables for women, infants, and children, seniors, and other clients; and to increase the production, distribution, and consumption of locally grown fruits and vegetables.

ITEM 6. Amend rule 21—1.3(159), introductory paragraph, as follows:

21—1.3(159) ~~Market development and administrative services~~ Administration division. In addition to the duties outlined in subrule 1.1(4), the director of the ~~market development and administrative services administration division, who is the deputy secretary of agriculture,~~ assists the secretary in the preparation and presentation of the department's budget to the governor and the general assembly. The division provides personnel services and works with the secretary and other divisions in the selection, hiring, and most phases of employment record keeping and processing relative to pay, benefits, and employee status changes in relation to the department. The director shall serve as a liaison between the department and the department of management, the department of ~~personnel~~ administrative services, and the state auditor. The bureaus and units under the supervision of the division are as follows:

ITEM 7. Rescind and reserve subrules **1.3(2)** and **1.3(3)**.

ITEM 8. Rescind and reserve subrule **1.3(5)**.

ITEM 9. Rescind and reserve subrules **1.3(7)** and **1.3(8)**.

ITEM 10. Rescind and reserve subrule **1.3(10)**.

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